UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,752	11/17/2000	Sanjay S. Gadkari	INTL-0478-US (P10026)	6968

7590 04/14/2005	EXAMINER
Timothy N. Trop	ZHONG, CHAD
TROP, PRUNER & HU, P.C.	

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/715,752	GADKARI, SANJAY S.
	Examiner	Art Unit	
	Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _29 October 2004_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-3,5-13,15-22 and 24-28_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-3,5-13,15-22 and 24-28_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

   a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

OFFICE ACTION

1.   This action is responsive to communications: Amendment B, filed on 10/29/2004.

2.   Claims 1-3, 5-13, 15-28 are presented for examination. In amendment B, filed on 10/29/2004:

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such
> that the subject matter as a whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

4.   Claims 1, 3, 11, 13, 21, 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cajolet, US 6,192,388, in view of Levi, US 6,636,983.

5.   As per claim 1 and 11, Cajolet teaches a method comprising:

        assigning distributed computing tasks to said processor-based devices (Col. 2, lines 45-47; plurality

of computers are assigned tasks, thus the distributed nature is taught);

        Cajolet however, does not teach

     logging the tasks and the processor-based device assigned to each task

        Levi teaches

     logging the tasks and the processor-based device assigned to each task (see for example, Col. 12, lines

57-67; Col. 14, lines 17-32), in order to allow administrator to view and modify alerts generated with

respect to any devices (see for example, Col. 14, lines 17-19).

        It would have been obvious to combine teachings of Cajolet and Levi in order to allow administrator

to view and modify alerts generated with respect to any devices.

6.   As per claims 3 and 13, Cajolet teaches the method of including subdividing a distributed

computing job into tasks and assigning each of said tasks to a different device (Col. 2, lines 45-47).

7.   As per claim 21, Cajolet teaches a system comprising:

a processor-based device (Col. 1, lines 7-12); and

a storage coupled to said processor-based device storing instructions that, if executed, enable said

device to operate a managed network of consumer-use processor-based clients (Col. 3, lines 40-41;

teaches storage and execution to manage network devices), assign distributed computing tasks to said

processor-based clients (Col. 3, lines 17-21),

However, Cajolet does not teach

log each task and device assigned to complete said task

Levi teaches

log each task and device assigned to complete said task (see for example, Col. 12, lines

57-67; Col. 14, lines 17-32), in order to allow administrator to view and modify alerts generated with

respect to any devices (see for example, Col. 14, lines 17-19).

It would have been obvious to combine teachings of Cajolet and Levi in order to allow administrator

to view and modify alerts generated with respect to any devices.

8.   As per claim 22, Cajolet teaches the system of claim 21 wherein said system is a server (Col. 5,

line 30).

9.   Claims 5, 6-8, and 15, 16-18, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Cajolet, US 6,192,388 in view of Foster et al. (hereinafter Foster), "Control and Management in a

Mobile Agent Workflow Architecture."

10.   As per claims 5 and 15, Cajolet does not explicitly teach the method of including developing an

estimate of the time to task completion.

Foster teaches

developing an estimate of the time to task completion (see for example, pg 8, lines 7-9), in order to

determine the time needed in order to reuse system resources (see for example, pg 8, lines 7-23).

It would have been obvious to combine the teachings of Cajolet and Foster in order to

determine the time needed in order to reuse system resources.

11.   As per claims 6 and 16, Cajolet does not explicitly teach the method of if no results are received

after the passage of said time estimate, querying said device.

12.   Foster teaches the method of if no results are received after the passage of said time estimate,

querying said device (pg 7, lines 24-37).

13.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Foster because they both deals with distributed network systems.

Furthermore, the teaching of Foster to allow

the method of if no results are received after the passage of said time estimate, querying said device

would improve the fault tolerance for Cajolet's system by systematically polling the remote devices

which the system is responsible for.

14.   As per claims 7 and 17, Cajolet does not explicitly teach the method of automatically requesting

said results after the passage of time estimate.

15.   Foster teaches the method of automatically requesting said results after the passage of time

estimate (pg 7, lines 24-37).

16.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Foster because they both deals with distributed network systems.

Furthermore, the teaching of Foster to allow

the method of automatically requesting said results after the passage of time estimate

would improve the functionality for Cajolet's system by automatically polling the remote devices

which the system is responsible for.

17.   As per claims 8 and 18, Cajolet does not explicitly teach the method of including maintaining,

from a server, the software on said devices.

18.   Foster teaches the method of including maintaining, from a server, the software on said devices

(pg 8, lines 1-9).

19.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Foster because they both deals with distributed network systems.

Furthermore, the teaching of Foster to allow

the method of including maintaining, from a server, the software on said devices

would improve the efficiency for Cajolet's system by automatically polling the remote devices' software

which the server is responsible for.

20.   As per claim 25, Cajolet teaches the system of claim 21 wherein said storage stores instructions

that enable said processor-based device to divide a distributed computing job into a plurality of tasks

(Col. 2, lines 45-47), assign said tasks to specific processor-based clients,

        However, Cajolet does not explicitly teach

    estimate the time to complete said job by said clients.

Foster teaches

estimate the time to complete said job by said clients (see for example, pg 8, lines 7-9), in order to

determine the time needed in order to reuse system resources (see for example, pg 8, lines 7-23).

It would have been obvious to combine the teachings of Cajolet and Foster in order to

determine the time needed in order to reuse system resources.

21.   As per claim 26, Cajolet does not teach the system of claim 21 further storing instructions to

develop an estimate of the time to task completion

Foster teaches

develop an estimate of the time to task completion (see for example, pg 8, lines 7-9), in order to

determine the time needed in order to reuse system resources (see for example, pg 8, lines 7-23).

It would have been obvious to combine the teachings of Cajolet and Foster in order to

determine the time needed in order to reuse system resources.

22.   As per claim 27, claim 27 is rejected for the same reasons as rejection to claim 6 above

23.   As per claim 28, claim 28 is rejected for the same reasons as rejection to claim 7 above

24.   Claims 2, 9-10, 12, 19-20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cajolet, US 6,192,388 in view of Anand et al. (hereinafter Anand), US 5,832,496.

25.   As per claims 2, 12 and 24, Cajolet does not teach the method of including establishing a

persistent connection between at least one of said devices and a server.

26.   Anand teaches the method of including establishing a persistent connection between at least one

of said devices and a server (Col. 12, line 5; Col. 13, lines 8-21).

27.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Anand because they both deals with distributed network systems.

Furthermore, the teaching of Anand to allow the method of including establishing a persistent connection

between at least one of said devices and a server would improve the efficiency and utilization for

Cajolet's system by establishing a connection on an as per needed basis, as well as pipelining instructions

during that connection.

28.   As per claims 9 and 19, Cajolet does not teach the method of including receiving the results of

said task from a device and providing an acknowledgement to said device when the results are received

correctly.

29.   Anand teaches the method of including receiving the results of said task from a device and

providing an acknowledgement to said device when the results are received correctly (Col. 55, lines 7-8).

30.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Anand because they both deals with distributed network systems.

Furthermore, the teaching of Anand to allow the method including receiving the results of said task from

a device and providing an acknowledgement to said device when the results are received correctly would

improve the efficiency and fault tolerance for Cajolet's system by giving the sending device an

acknowledgement indicating the correct data have been received, without wasting additional bandwidth to

resend data.

31.   As per claim 10 and 20, Cajolet does not teach the method of including receiving a completion

message from a device and automatically establishing an upload session to receive the task results.

32.   Anand teaches the method of including receiving a completion message from a device and
automatically establishing an upload session to receive the task results (Col. 54, lines 54 – Col. 55, line
17).

33.   It would have been obvious to one of ordinary skill in this art at the time of invention was made
to combine the teaching of Cajolet and Anand because they both deals with distributed network systems.
Furthermore, the teaching of Anand to allow the method of including receiving a completion message
from a device and automatically establishing an upload session to receive the task results would
improve the efficiency and fault tolerance for Cajolet's system freeing up network resources by keeping a
persistent connection only when needed, this reduces errors that can occur if a connection is left
connected for too long.

34.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet, US 6,192,388 in
view of "Official Notice".

35.   As per claim 23, Cajolet does not teach the system of claim 22 wherein said server is a system
management server. However, "Official Notice" is taken by the examiner that a system
management server is notoriously well known and expected in the art for the advantage of bring
distributed services to clients and managing network.

Conclusion

36.   Applicant's remarks filed 10/29/04 have been considered but are moot in reference to newly
revised office action.

37.   In the remark, the Applicant argued in substance that Cajolet inherently fails to disclose or

suggest logging of tasks that are assigned, and no such task list is maintained.

In response to applicant's arguments, Cajolet does not teach logging of tasks that are assigned and a

task list is maintained. This is taught in Levi, in order to keep track of alerts in the system through the

log.

38.   In the remark, the Applicant argued in substance that Cajolet alone is not a 103 reference.

In response to Applicant's argument that there is no suggestion to modify the reference, the Examiner

recognizes that obviousness can only be established by combining or modifying the teachings of the prior

art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one of ordinary skill

in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347,

21 USPQ2d 1941 (Fed. Cir. 1992). Functionality of a log is well known in the art for archiving purposes,

In this case, it would have been obvious to one of the ordinary skilled in the art to have include a log, for

the advantage of tracking previous user events for references in the future.

39.   In the remark, the Applicant argued in substance that Cajolet does not explicitly teach developing

an estimate of the time to task completion.

In response to Applicant's argument, Cajolet does not teach this section, Foster is used to address the

missing sections in Cajolet in order to reclaim used resources within the system.

40.   In the remark, the Applicant argued in substance that Foster does not appear to have anything to

do with the claimed distributed processing environment.

In response to Applicant's arguments, Foster does teach the notion of distributed network environment.

Foster teaches plurality of agents in the distributed environment, see for example, pg 1 introduction. Thus

Foster teaches the distributed processing environment for at least the reasons stated above.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be

reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization

where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

CZ
March 1, 2005

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